IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.4983 of 2005

Shri Chandrakant Bhimashankar
Pattepurkar Petitioner
Vs.
The Dy.Director of Vocational
Education & Training, Pune & ors. Respondents

Mr.S.S.Salunkhe for petitioner.
Mr.C.R.Sonawane, AGP for Resp.nos.1 to 3.

CORAM: B.H.MARLAPALLE & NARESH H.PATIL,JJ.

September 07, 2006.

P.C.

1. Heard Mr.Salunkhe, the learned counsel for the petitioner. The petitioner is aggrieved by the order dated 21/4/2005 passed by the Maharashtra Administrative Tribunal thereby dismissing O.A. No.553 of 2003.

2. The petitioner had claimed that he had submitted an application dated 11/7/2001 for voluntary retirement and in spite of the period of three months having been expired, there was no communication rejecting his application and consequently he was deemed to have retired from service and entitled for pensionary benefits. As the Government did not take steps to release the pensionary benefits he had approached the Tribunal.

3. The Tribunal on hearing all the parties and on perusal of the record noted that though the petitioner had submitted an application for voluntary retirement on 11/7/2001 and the same was forwarded by the respondent no.2 to the respondent no.1, there was a departmental enquiry initiated against him as per the memo dated 18/10/2000. Rule 66 of the Maharashtra civil Services (Pension) Rules, 1982 was considered and it was noted that sub-rule (2) clearly stipulated that notice of voluntary retirement under sub-rule (1) shall require acceptance by the appointing authority. Such an acceptance was not at any time given by the appointing authority in response to the application for voluntary retirement dated 11/7/2001. The Tribunal further recorded its findings, on considering the narration of events, that it was the petitioner who was avoiding the letters being served on him either through post or in person and, therefore, it was required to be held that it was he who went on refusing to accept the official communications.

4. As directed by this Court the original file has been placed before us. We have seen on record

the following documents:

(i) the charge-sheet dated 18th October 2000.

(ii) the suspension order dated 16/7/2001.

(iii) letter dated 1/8/2001 addressed to the Enquiry Officer forwarding copies of the documents in connection with the enquiry instituted against the petitioner.

(iv) postal envelopes carrying endorsements that they could not be served on the petitioner either because they were refused or it was stated that the petitioner was hospitalised or not claimed, returned to the send.

(v) Notice dated 12/11/2001 addressed to the petitioner regarding the departmental enquiry.

There are many such documents which, without any doubt, lead to the conclusion that a departmental

enquiry was initiated against the petitioner before he submitted his application for voluntary retirement dated 11/7/2001.

5. In the premises, we do not find any reason to interfere with the order passed by the Maharashtra Administrative Tribunal as the same does not suffer from any errors apparent on the face of the record. Hence the petition is rejected summarily.

(NARESH H. PATIL,J.) (B.H.MARLAPALLE,J.)